THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16096 of 2001

Dated:13.11.2006

Between
1.Vankina Venkata Rama Mohan Rao
and others.

.....Petitioners

and

1.The District Collector, WG District,
Eluru and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16096 of 2001

ORDER:

This writ petition is filed seeking to declare the action of the respondent-authorities in dividing the Irrigation Tank of Peddacheruvu No.149 to an extent of Ac.36-40 covered by S.No.161 of Telikicherla village, Nallajerla Mandal, West Godavari District and allotting the same to the 3rd parties as illegal and arbitrary.

A detailed counter affidavit has been filed by the 5th respondent stating that the Pedda Cheruvu Tank in Telikicherla village is neither going to be divided nor assigned/allotted to 3rd parties as alleged by the petitioner. There was an understanding between the Ayacutdars under the Peddacheruvu tank and Rajakas (washermen) that

the Rajakas can use water from the tank to wash clothes. The Water Users Association passed a resolution on 5.7.2001 to provide Ac.1.50 cents in the said tank to the rajakas. In pursuance of the resolution, forming of the dividing bund was taken up by the Rajakas and the Ayacutdars themselves. The Assistant Engineer, Irrigation stopped the work under the instructions of the Executive Engineer. An emergency general body meeting of Water Users Association was held on 29.7.2001 wherein the previous resolution was cancelled and it was resolved to reject the request of the Rajakas for allotment of part of the tank. It is further stated that the Government and the revenue authorities have no intention to assign or allot the tank to anybody nor divide it as alleged. The revenue authorities have not divided the tank.

In view of the above, nothing survives for adjudication in this writ petiton and the same is liable to be dismissed .

Writ petition is accordingly dismissed. However, the respondent-authorities shall take care

that the said water bodies are not divided and mis-used by any unsocial elements.

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13-11-2006

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